

REMARKS

This application has been reviewed in light of the Office Action dated September 24, 2007. Claims 1-20 are presented for examination, with Claims 1, 15, and 17 being in independent claims. Claims 1, 8, and 13 have been amended to define Applicants' invention more clearly. Claims 18-20 have been added to provide Applicants with a more complete scope of protection. Favorable reconsideration is requested.

The Office Action objected to the Abstract for having a title. Applicants have deleted the title from the Abstract. It is believed that the objection to the Abstract has been obviated. Entry of the amended Abstract is respectfully requested.

The Office Action indicated that the information disclosure statements filed on March 19, 2004 and January 6, 2005 fail to comply with the provisions of 37 CFR 1.97, 19.98, and MPEP § 609 because copies of the references were not submitted to the Office. Applicants have submitted an information disclosure statement herewith containing the references from the March 19, 2004 and January 6, 2005 information disclosure statements along with copies of those references. Applicants respectfully request consideration of the information disclosure statement submitted herewith.

The Office Action states that Claims 1-17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,671,358 (*Seidman*), as supported by U.S. Provisional Application 60/286,309 (*Seidman_P*); and that Claims 8 and 13 are rejected under § 103(a) as being unpatentable over *Seidman*, as supported by *Seidman_P*, in view of Official Notice. Applicants respectfully traverse the rejections and submit that independent Claims 1, 15, and 17, together with the claims dependent therefrom, are patentably distinct from the cited prior art for at least the following reasons.

Applicants point to amended Claim 1 which recites “the transaction device is **validated** based at least in part on the transaction device identifier and the **transaction device random number**,” (emphasis added). Claims 9 and 15-17 recite similar validation features. On pages 4 and 6, the Office Action looks to *Seidman* Col. 11, lines 64-67; Col. 12, lines 1-5; Col. 13, lines 17-25; and Col. 18, lines 42-51 as teaching the various validation features recited in Claims 9 and 15-17.

Applicants have carefully studied *Seidman* and are unable to agree with Office Action’s characterization of that reference for the following reasons. *Seidman* describes employing a universal identifier to conduct a transaction such as a financial transaction and may include providing a reward related to the universal identifier in response to the transaction. *See, Seidman* Col 3, lines 14-18 and 31-34. As best understood by Applicants, the only portion of *Seidman* that references a random number generator and the use of a random number, is in the context of a rewards program including “instant win random technology . . . , sweepstakes drawings . . . , and/or a loyalty rewards program [that] may provide points redeemable for merchandise.” *See, Seidman* Col. 11, lines 48-56. In particular, “a random number is selected by a suitable random number generator[, and t]hen . . . it is determined whether the random number is a winning number (e.g., by comparing the random number to a predetermined list of winning numbers.)” *See, Seidman* Col. 13, lines 16-22. *Seidman* is not concerned with validating transaction devices through the use of a random number.

Applicant respectfully submit that nothing has been found in *Seidman* that would teach or reasonably suggest “the transaction device is **validated** based at least in

part on the transaction device identifier and the transaction device random number,” as recited by Claim 1(emphasis added).

Seidman_P and the Office Action’s Office Notice fail to cure the deficiencies identified above with regard to *Seidman* for at least the reason that, as best understood by Applicants, both fail to teach or suggest “the transaction device is validated based at least in part on the transaction device identifier and the transaction device random number,” as recited by Claim 1.

Accordingly, Applicants submit that Claim 1 is not obvious in view of *Seidman*, *Seidman_P*, and the Office Action’s Official Notice, and respectfully request withdrawal of the rejection under 35 U.S.C. § 103(a).

Independent Claims 15 and 17 include features similar to those discussed above with respect to Claim 1 and are believed to be patentable for at least the same reasons as discussed above with respect to Claim 1.

The other rejected claims in this application depend from one or another of the independent claims discussed above and, therefore, are submitted to be patentable for at least the same reasons. Because each dependent claim also is deemed to define an additional aspect of the invention, individual consideration or reconsideration, as the case may be, of the patentability of each claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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